



Reprinted
April 10, 2003

ENGROSSED HOUSE BILL No. 1431

DIGEST OF HB 1431 (Updated April 9, 2003 4:53 PM - DI 105)

Citations Affected: IC 12-7; IC 12-18; IC 34-30.

Synopsis: Domestic violence fatality investigations. Allows a county or group of counties to establish a domestic violence fatality review team to investigate a homicide or suicide that may have resulted from domestic violence.

Effective: July 1, 2003.

Lawson L, Becker, Ulmer, Mays

(SENATE SPONSORS — CLARK, SIMPSON, ZAKAS)

January 14, 2003, read first time and referred to Committee on Human Affairs.
February 24, 2003, amended, reported — Do Pass.
February 27, 2003, read second time, ordered engrossed. Engrossed.
March 3, 2003, read third time, passed. Yeas 92, nays 1.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

April 3, 2003, amended, reported favorably — Do Pass.
April 9, 2003, read second time, amended, ordered engrossed.

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EH 1431—LS 6531/DI 105+



Reprinted
April 10, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1431

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-7-2-33.6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2003]: **Sec. 33.6. "Coalition", for purposes of IC 12-18-8, has the**
- 4 **meaning set forth in IC 12-18-8-1.**
- 5 SECTION 2. IC 12-7-2-69.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2003]: **Sec. 69.5. "Domestic violence", for purposes of**
- 8 **IC 12-18-8, has the meaning set forth in IC 34-6-2-34.5.**
- 9 SECTION 3. IC 12-7-2-82.2 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2003]: **Sec. 82.2. "Family or household member", for purposes**
- 12 **of IC 12-18-8, has the meaning set forth in IC 12-18-8-3.**
- 13 SECTION 4. IC 12-7-2-85.2 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2003]: **Sec. 85.2. "Final judgment", for purposes of IC 12-18-8,**
- 16 **has the meaning set forth in IC 12-18-8-4.**
- 17 SECTION 5. IC 12-7-2-124.7 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2003]: **Sec. 124.7. "Local domestic violence fatality review team"**, for purposes of IC 12-18-8, has the meaning set forth in IC 12-18-8-5.

SECTION 6. IC 12-18-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 8. Domestic Violence Fatality Review Team

Sec. 1. As used in this chapter, "coalition" refers to the Indiana coalition against domestic violence.

Sec. 2. As used in this chapter, "domestic violence" has the meaning set forth in IC 34-6-2-34.5.

Sec. 3. (a) As used in this chapter, an individual is a "family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) cohabits or formerly cohabited with the other person; or
- (7) has or previously had an established legal relationship:
 - (A) as a guardian of the other person;
 - (B) as a ward of the other person;
 - (C) as a custodian of the other person;
 - (D) as a foster parent of the other person; or
 - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D).

(b) As used in this chapter, an individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

Sec. 4. As used in this chapter, "final judgment" means:

- (1) an acquittal of a criminal offense; or
- (2) a conviction for a criminal offense:
 - (A) in which the defendant fails to file a timely:
 - (i) notice of appeal under the Indiana rules of appellate procedure; and
 - (ii) motion under Indiana trial rule 60(B);
 - (B) in which transfer is denied to the Indiana supreme court; or
 - (C) that is upheld:



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- (i) on appeal;
- (ii) following a 60(B) hearing; or
- (iii) both.

Sec. 5. As used in this chapter, "local domestic violence fatality review team" means the county or regional domestic violence fatality review team established under this chapter.

Sec. 6. (a) A county may establish a county domestic violence fatality review team for the purpose of reviewing a death resulting from domestic violence. The team shall review only those deaths in which the person who commits the act of domestic violence resulting in death:

- (1) is charged with a criminal offense that results in final judgment of conviction; or
- (2) commits suicide:
 - (A) that is related in time, place, and circumstance to the death of the victim of domestic violence; and
 - (B) as determined by a coroner's certificate of death under IC 36-2-14-6 or death verdict under IC 36-2-14-10.

(b) The legislative body (as defined in IC 36-1-2-9) of a county must determine by majority vote if the county will establish a local domestic violence fatality review team.

(c) If a county elects not to establish a county domestic violence fatality review team, the county may join with one (1) or more other counties that have not established a county domestic violence fatality review team and form a regional domestic violence fatality review team.

(d) To establish a regional domestic violence fatality review team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional domestic violence fatality review team.

Sec. 7. (a) A local domestic violence fatality review team shall do the following:

- (1) Assist a local agency in identifying and reviewing a homicide or suicide that results from domestic violence.
- (2) Develop recommendations for coordinated community prevention and intervention strategies to prevent future homicides or suicides resulting from domestic violence.
- (3) Collect data described in section 14 of this chapter related to a death resulting from domestic violence.

(b) A local domestic violence fatality review team may develop a protocol to assist a person who performs an autopsy in:

- (1) identifying a victim of domestic violence; and



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(2) preparing a written report identifying a person as the victim of domestic violence and describing the cause of death.

(c) A local domestic violence fatality review team shall be operated in conjunction with a:

- (1) local domestic violence shelter;
- (2) domestic violence program; or
- (3) domestic violence coordinated community response team.

Sec. 8. (a) To complete its review of a death that it believes to have resulted from domestic violence, the fatality review performed by a local domestic violence fatality review team may include information from reports generated or received by:

- (1) agencies;
- (2) organizations; or
- (3) individuals;

responsible for the investigation, prosecution, or treatment concerning a death being investigated by the domestic fatality review team.

(b) An entity or individual that in good faith provides information described in subsection (a) is immune from civil or criminal liability that might otherwise be imposed as the result of providing this information.

Sec. 9. The recommendations of a domestic violence fatality review team may be disclosed at the discretion of a majority of the members at the conclusion of a review.

Sec. 10. (a) A local domestic violence fatality review team consists of the following members:

- (1) A survivor of domestic violence.
- (2) A domestic violence direct service provider.
- (3) A representative of law enforcement from the area served by the local domestic violence review team.
- (4) A prosecuting attorney or the prosecuting attorney's designee from the area served by the local domestic violence fatality review team.
- (5) An expert in the field of forensic pathology.
- (6) A medical practitioner with expertise in domestic violence.
- (7) A judge who hears civil or criminal cases.
- (8) An employee of a child protective services agency.

(b) If a local domestic violence fatality review team is established in one (1) county, the legislative body that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) adopt an ordinance for the appointment and



reappointment of members of the local domestic violence fatality review team; and

(2) appoint members to the local domestic violence fatality review team under the ordinance adopted.

(c) If a local domestic violence fatality review team is established in a region, the county legislative bodies that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

(1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local domestic violence fatality review team; and

(2) appoint members to the local domestic violence fatality review team under the ordinances adopted.

(d) A local domestic violence fatality review team may not have more than fifteen (15) members.

Sec. 11. In accordance with the ordinance adopted under section 10 of this chapter, a local domestic violence fatality review team may have the following additional members:

(1) A clergy member.

(2) A representative of county government.

(3) A representative from a county health department.

(4) A representative from a local bar association.

(5) A defense attorney.

(6) An educator.

(7) A probation officer.

(8) A representative from the business community.

(9) An animal control officer.

(10) An attorney who represents victims of domestic violence.

(11) A provider of a batterers intervention program.

Sec. 12. (a) Any member of a local domestic violence fatality review team may serve as chairperson. The chairperson shall be elected annually by the members of the local domestic violence fatality review team at the first meeting of the local domestic violence fatality review team.

(b) The local domestic violence fatality review team shall meet at the call of the chairperson.

(c) The local domestic violence fatality review team chairperson shall determine the agenda for each meeting.

Sec. 13. (a) Except as provided in subsection (b), meetings of a local domestic violence fatality review team are open to the public.

(b) Meetings of a local domestic violence fatality review team that involve:



1 (1) confidential records; or
 2 (2) identifying information regarding a death;
 3 shall be held as an executive session with the public excluded,
 4 except those persons necessary to carry out the fatality review.

5 (c) If an executive session is held under subsection (b), each
 6 individual who:

7 (1) attends a meeting of a local domestic violence fatality
 8 review team; and

9 (2) is not a member of the local domestic violence fatality
 10 review team;

11 shall sign a confidentiality agreement.

12 (d) A local domestic violence fatality review team shall keep all
 13 confidentiality statements signed under this section.

14 Sec. 14. The coalition shall collect and document information
 15 surrounding the deaths reviewed by a local domestic violence
 16 fatality review team. The coalition shall develop a data collection
 17 form that includes the following:

18 (1) Identifying and nonidentifying information.

19 (2) Information regarding the circumstances surrounding a
 20 death.

21 (3) Factors contributing to a death.

22 (4) Findings and recommendations.

23 Sec. 15. The coalition's annual report shall be made available to
 24 the public. The coalition may not charge more than the amount set
 25 by IC 5-14-3-8 to offset the cost of copying the annual report.

26 SECTION 7. IC 34-30-2-45.8 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2003]: Sec. 45.8. IC 12-18-8-7 and
 29 IC 12-18-8-12 (Concerning an entity or person who provides a
 30 record or report to a local domestic violence fatality review team
 31 or members of a local domestic violence fatality review team and
 32 persons who attend a meeting of a local child fatality review team
 33 as invitees of the chairperson).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "IC 12-18-8-2." and insert "**IC 34-6-2-34.5**".

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 4. IC 12-7-2-85.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 85.2. "Final judgment", for purposes of IC 12-18-8, has the meaning set forth in IC 12-18-8-4.**"

Page 2, line 7, delete "(a)".

Page 2, line 7, delete "means" and insert "**has the meaning set forth in IC 34-6-2-34.5.**"

Page 2, delete lines 8 through 27, begin a new paragraph and insert:

"**Sec. 3. (a) As used in this chapter, an individual is a "family or household member" of another person if the individual:**

- (1) is a current or former spouse of the other person;**
- (2) is dating or has dated the other person;**
- (3) is or was engaged in a sexual relationship with the other person;**
- (4) is related by blood or adoption to the other person;**
- (5) is or was related by marriage to the other person;**
- (6) cohabits or formerly cohabited with the other person; or**
- (7) has or previously had an established legal relationship:**
 - (A) as a guardian of the other person;**
 - (B) as a ward of the other person;**
 - (C) as a custodian of the other person;**
 - (D) as a foster parent of the other person; or**
 - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D).**

(b) As used in this chapter, an individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

Sec. 4. As used in this chapter, "final judgment" means:

- (1) an acquittal of a criminal offense; or**
- (2) a conviction for a criminal offense:**
 - (A) in which the defendant fails to file a timely:**
 - (i) notice of appeal under the Indiana rules of appellate procedure; and**
 - (ii) motion under Indiana trial rule 60(B);**



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(B) in which transfer is denied to the Indiana supreme court; or

(C) that is upheld:

(i) on appeal;

(ii) following a 60(B) hearing; or

(iii) both."

Page 2, line 28, delete "4." and insert "5."

Page 2, line 31, delete "5." and insert "6."

Page 2, line 33, after "violence." insert **"The team shall review only those deaths in which the person who commits the act of domestic violence resulting in death:**

(1) is charged with a criminal offense that results in final judgment of conviction; or

(2) commits suicide:

(A) that is related in time, place, and circumstance to the death of the victim of domestic violence; and

(B) as determined by a coroner's certificate of death under IC 36-2-14-6 or death verdict under IC 36-2-14-10."

Page 3, line 4, delete "6." and insert "7."

Page 3, line 11, delete "13" and insert "14".

Page 3, line 23, delete "7." and insert "8."

Page 3, line 24, after "violence," insert **"the fatality review performed by"**.

Page 3, line 25, delete "shall have access to all records maintained by" and insert **"may include information from reports generated or received by:**

(1) agencies;

(2) organizations; or

(3) individuals;

responsible for the investigation, prosecution, or treatment concerning".

Page 3, line 26, delete "any public or private entity that may relate to".

Page 3, line 27, delete "team, including the" and insert **"team."**

Page 3, delete lines 28 through 33.

Page 3, line 38, delete "8." and insert "9."

Page 3, line 41, delete "9." and insert "10."

Page 4, delete lines 12 through 13.

Page 4, line 17, delete "5" and insert "6".

Page 4, line 26, delete "5" and insert "6".

Page 4, between lines 31 and 32, begin a new paragraph and insert:
"(d) A local domestic violence fatality review team may not have

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more than fifteen (15) members."

Page 4, line 32, delete "10." and insert **"11."**

Page 4, line 33, delete "9" and insert **"10"**.

Page 5, between lines 1 and 2, begin a new line block indented and insert:

"(10) An attorney who represents victims of domestic violence.

(11) A provider of a batterers intervention program."

Page 5, line 2, delete "11." and insert **"12."**

Page 5, line 11, delete "12. Members of a local domestic violence fatality review" and insert **"13. (a) Except as provided in subsection (b), meetings of a local domestic violence fatality review team are open to the public.**

(b) Meetings of a local domestic violence fatality review team that involve:

(1) confidential records; or

(2) identifying information regarding a death;

shall be held as an executive session with the public excluded, except those persons necessary to carry out the fatality review.

(c) If an executive session is held under subsection (b), each individual who:

(1) attends a meeting of a local domestic violence fatality review team; and

(2) is not a member of the local domestic violence fatality review team;

shall sign a confidentiality agreement.

(d) A local domestic violence facility review team shall keep all confidentiality statements signed under this section."

Page 5, delete lines 12 through 26.

Page 5, line 27, delete "13." and insert **"14."**

Page 5, line 36, delete "14." and insert **"15."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1431 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.



COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1431, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 18, after "that" insert "**in good faith**".

and when so amended that said bill do pass.

(Reference is to HB 1431 as printed February 25, 2003.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1431.

CLARK

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1431 be amended to read as follows:

Page 2, line 4, delete "IC 12-18-8-4." and insert "**IC 12-18-8-5.**".

Page 5, line 32, after "elected" insert "**annually**".

(Reference is to EHB 1431 as printed April 4, 2003.)

SIMPSON

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